

### **REMARKS**

Applicant has very carefully considered the outstanding Office Action. In response thereto claim 35 has been rewritten in independent form so as to obviate the outstanding objection to claims 35-39.

Melnik relied upon by the Examiner to support both the anticipation and the obviousness rejections is substantially different from the claimed items of the invention. Melnik discloses a tiered repeater-type packet system wherein information can be transferred between a building computer such as 24 (see Fig. 2 thereof) via a plurality of repeating units 22 addressed as 0100, 011, 11 and 011 which are located different bands. This enables the building computer 24 to communicate with a displaced unit, such as 011 which it is unable to communicate with directly. Hence, Melnik has solved a problem, lack of coverage, for direct communication between building computer 24 and the displaced unit 011. This solution, methodology, and system is implemented using a serially linked plurality of units which transmit data to and from the building computer 24 and unit 011.

Melnik does not disclose the desirability of or facilities for communications between units in any given band. Melnik's total orientation is to link units in various bands to the building computer 24. Further, nothing about Melnik's system or disclosure relates to portable hand held units which could be used for example by maintenance and installation personnel.

Thus in accordance with the above, while Melnik's units share a common medium, the nodes of the band zero for example do not communicate with each other but only with the building computer 24. Similarly the nodes of band one, see Fig. 3 hereof, may communicate with one or more nodes of the band zero or one or more nodes of band two. Melnik's system and method are not oriented to having the nodes of band one routinely communicate with one another. Communication with band zero from the nodes of band one facilitates Melnik's overall approach of communicating to/from the building computer 24.

On the other hand, unlike Melnik et al. embodiments of the present invention include nodes such as 18-1, 18-2...18-k...18-m, see the figure of the present application, which can

Appl. No. 10/733,929  
Amendment A  
Reply to Office Action mailed Sept. 8, 2005


communicate with one another directly on a common medium. They can also communicate with a common control element 12 in some embodiments. Further, a portable unit such as unit 30 is provided to enable maintenance or installation personnel to communicate with the common control unit 12, or any other unit, via any of the other units such as 18-1...18-m, 20, 22, or the like.

In accordance with the above, claims 20, 21, bring out these differences and make it clear as a result that claims 20-22, 24, 25, 27-29 are not anticipated by Melnik. Further, the differences between claims 23, 26, 30-34 obviate any outstanding obviousness rejections. Nothing about Melnik suggests or discloses or makes obvious to one of skill in the art the necessary modifications which would have to be made therein so as to make respective claims 23, 26, 30, 34 obvious. New claim 40 is also allowable over the prior art of record alone or in combination.

Allowance of the application is respectfully requested.

Respectfully submitted,

Dated: December 6, 2005

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